

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/0566
Proposed development:	Single Storey Dwellings and Torrens Title Subdivision
Property address:	18 Binalong Street, JORDAN SPRINGS NSW 2747
Property description:	Lot 2292 DP 1168993
Date received:	28 May 2014
Assessing officer	Mahbub Alam
Zoning:	URBAN ZONE (SREP30 - ST MARYS)
Class of building:	Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a two lots Torrens Title subdivision and construction of a dwelling on each allotment at 18 Binalong St Jordan Springs. Under *Sydney Regional Environmental Plan No. 30 - St Marys (SREP 30)*, the proposal is defined as Subdivision and Housing. The subject site is zoned Urban and the proposal is a permissible land use in the zoning with Council consent. The key issues identified throughout this assessment have been related to compliance with the Jordan Springs Precinct Plan, and bushfire control.

An assessment under Section 79C of the *Environmental Planning and Assessment Act, 1979 (as amended) (EP&A Act 1979)* has been undertaken and it is concluded that the application is consistent with the aims and objectives of the *SREP 30*. Therefore the proposal is recommended for approval.

Site & Surrounds

The subject site is situated on the eastern side of Binalong St within the western precinct of the subdivision estate known as Jordan Springs. It is 577m² in area, is orientated in a east-west direction and has a gentle slope towards the street.

The site is currently vacant, cleared land. The surrounding area is characterised by residential dwellings under construction. At the front of the site is a footpath.

The suburb of Jordan Springs is bordered by Ninth Avenue and rural-residential development in Llandilo to the north, The Northern Road and residential development in Cranebrook to the west and regional parkland to the south and east. Jordan Springs is zoned entirely for urban purposes and is intended to accommodate primarily residential uses, with limited non-residential uses in the future village centre such as local retail and commercial uses.

Proposal

The proposal is for a two lots Torrens Title subdivision of Lot 2292 into two and construction of a single storey dwelling on each lot.

The proposed lots are as follows:

- Proposed lot 2292A 282.90m²
- Proposed lot 2292B 294.10m²

The proposed single storey dwellings are 4 bedrooms with a single garage, living, kitchen, bathroom and laundry.

The dwellings are constructed on a concrete slab with brick walls and tiled roof. A schedule of colours and finishes has been submitted for each dwelling. The proposed colours of each dwelling will be similar; however the design of each dwelling is varied slightly to provide some variation to the appearance of the dwellings from the street. Design features such as bagging and painting and timber infill panels, as well as use of horizontal and vertical windows have been proposed to provide a point of difference between the two dwellings. Landscaping has been proposed between the driveway and boundary and along the front boundary, in addition to grass in the front setback on both allotments.

Plans that apply

- Western Precinct
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

SREP 20 applies to the subject land and specifies that the consent authority shall not grant consent to an application unless it is of the opinion that the carrying out of the development is consistent with any relevant, general and specific aim of SREP 20.

The general aims and objectives of the plan are directed towards improving the amenity of the Hawkesbury Nepean River and protecting the lands within the river valley, including scenic quality. The proposed development will have minimal impacts and will not compromise the water or scenic qualities of the river environment given the drainage arrangements and erosion and sediment control measures to be employed during construction and reinforced by conditions.

Sydney Regional Environmental Plan No.30 - St Marys

The site is zoned Urban under *Sydney Regional Plan No. 30 - St Marys*. The aim of SREP 30 is to provide sustainable development and manage the land to which it applies. The development of Jordan Springs has been assessed consistently against SREP 30 and precinct plans developed, as required by the policy.

Performance Objectives

Clause 20 of the SREP requires Council to consider the objectives and requirements of the plan, the precinct plans and any relevant development agreement prior to granting consent. The performance objectives in Part 5 of the SREP aim to achieve desired environmental, social and economic outcomes for development. The proposal to subdivide to create one additional allotment and build two houses on those lots will not place undue pressure on the environment. The air quality is maintained and no trees are to be cleared to facilitate this development. There are no items of heritage significance and no changes are proposed to community facilities, bicycle facilities or open space within Jordan Springs as a result of this application. The proposed development will have minimal impacts and will not compromise the water or scenic qualities of the river environment given the drainage arrangements and erosion and sediment control measures to be employed during construction and reinforced by conditions. The proposed built form contributes to the variety of dwelling sizes and types in Jordan Springs and the frontage has been varied to ensure diversity in design. No changes are proposed to the street layout from approved and constructed. A BASIX certificate has been obtained for the site to incorporate water and energy management practices into the design.

Zoning

The proposal remains in keeping with the objectives of the Urban zone, remaining primarily for residential purposes. Housing is a permissible landuse.

Subdivision

Clause 45 permits subdivision with the consent of Council.

Services

Services must be available to the site prior to development. The site was originally part of a larger subdivision and services would have been provided at that stage. This application further subdivides the site and appropriate conditions will be imposed to ensure that services are provided to both proposed lots.

Section 79C(1)(a)(iii) The provisions of any development control plan

Western Precinct

Provision	Compliance
Western Precinct Plan	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iv) The provisions of the regulations

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development.

Section 79C(1)(b) The likely impacts of the development

The proposal is consistent with the bulk and scale of other residential dwellings in the locality and appropriate finishes and design features are proposed. The proposed subdivision is uniform in its shape and the dwellings are sited appropriately so as not to impact significantly on the streetscape or amenity of the area. Low level landscaping is proposed within the front setback to ensure the desired character of the locality is achieved.

There is no removal of significant vegetation from the site as it is a cleared site awaiting development within a new subdivision estate. The visual impact of the proposed dwellings on the surrounding landscape is minimal given the siting and scale of the proposed dwellings and its location within a new release area. The proposed subdivision to achieve an additional lot will not generate any perceptible increase in traffic volume and therefore would have minimal impact on the local road system.

The proposal includes, and will be conditioned to include, suitable measures to minimise environmental impacts in terms of providing for the adoption of appropriate erosion and sediment control measures expected during the construction of the proposed dwellings as well as the appropriate disposal of any waste generated as a result.

Section 79C(1)(c) The suitability of the site for the development

The site is appropriately located within the Jordan Springs release area and is suitable for residential development. Subdivision and Housing are permissible with consent and the proposals compliance with the development controls has been demonstrated in the above assessment. The application has demonstrated that the site is suitable for the proposed development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with *Section 2.7 Notification and Advertising of Penrith Development Control Plan 2006*, the proposed development was notified from 16 June 2014 to 30 June 2014 to the owners and occupiers of adjoining and nearby properties, No submissions have been received.

The application was referred to the NSW Rural Fire Service (RFS) for their review and comment and raised no objection.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions

Section 79C(1)(e) The public interest

The proposal is consistent with the relevant environmental planning instruments and provides additional housing stock. Consistency with the relevant environmental planning instruments aligns with the expectation from the public that development is carried out in accordance with the instruments which were subject to detailed community consultation prior to their adoption.

The St Marys Penrith Planning Agreement includes provisions relating to works and contributions which offset the payment of Section 94 contributions for the Jordan Springs estate under the above contributions plans. These works and contributions will be provided as Jordan Springs is progressively developed. The subject application does not alter the proposal's compliance with the St Marys Penrith Planning Agreement.

The proposed subdivision and dwellings are in the public interest.

Conclusion

The proposed development has been assessed with regard to the relevant matters of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*. The key issues identified throughout this assessment have been related to compliance with the Jordan Springs Precinct Plan, and bushfire control. The application has been assessed as adequately addressing the relevant matters and is recommended for approval.

Recommendation

That DA14/0566 for Torrens Title Subdivision x 2 lots and construction of a single storey dwelling in each proposed allotment at Lot 2292 DP 1168993, 18 Binalong St Jordan Springs, be approved subject to the attached conditions (Development Assessment Report Part B).

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the following plans

Drawing Title	Drawing No.	Prepared By	Dated
Schedule of BASIX commitments (Lot 2292 A)	MH1461 (Sheet 1 of 18) (Issue A)	Meridian Homes	26.05.14
Schedule of BASIX commitments (Lot 2292 B)	MH1461 (Sheet 2 of 18) (Issue A)	Meridian Homes	26.05.14
Site Plan / Concept Drainage Plan (Lot 2292A & 2292 B)	MH1461 (Sheet 3 of 18) (Issue A)	Meridian Homes	26.05.14
Proposed Floor Plan (Lot 2292 A)	MH1461 (Sheet 4 of 18) (Issue A)	Meridian Homes	26.05.14
Proposed Roof Plan & Section (Lot 2292 A)	MH1461 (Sheet 5 of 18) (Issue A)	Meridian Homes	26.05.14
Slab Plan / External Wall Plan (Lot 2292 A)	MH1461 (Sheet 6 of 18) (Issue A)	Meridian Homes	26.05.14
Electrical Layout (Lot 2292A)	MH1461 (Sheet 7 of 18) (Issue A)	Meridian Homes	26.05.14
Elevations – Western & Southern (Lot 2292 A)	MH1461 (Sheet 8 of 18) (Issue A)	Meridian Homes	26.05.14
Elevations – Eastern & Northern (Lot 2292 A)	MH1461 (Sheet 9 of 18) (Issue A)	Meridian Homes	26.05.14
Proposed Floor Plan (Lot 2292 B)	MH1461 (Sheet 10 of 18) (Issue A)	Meridian Homes	26.05.14
Proposed Roof Plan & Section (Lot 2292 B)	MH1461 (Sheet 11 of 18) (Issue A)	Meridian Homes	26.05.14
Slab Plan / External Wall Plan (Lot 2292 B)	MH1461 (Sheet 12 of 18) (Issue A)	Meridian Homes	26.05.14
Electrical Layout (Lot 2292 B)	MH1461 (Sheet 13 of 18) (Issue A)	Meridian Homes	26.05.14
Elevations – Western & Southern (Lot 2292 B)	MH1461 (Sheet 14 of 18) (Issue A)	Meridian Homes	26.05.14
Elevations – Eastern & Northern (Lot 2356 B)	MH1461 (Sheet 15 of 18) (Issue A)	Meridian Homes	26.05.14
Site Analysis Plan (Lot 2292 A & 2292 B)	MH1461 (Sheet 16 of 18) (Issue A)	Meridian Homes	26.05.14
Sedimentation & Waste Management Plan (Lot 2292 A & Lot 2292 B)	MH1461 (Sheet 17 of 18) (Issue A)	Meridian Homes	26.05.14

Concept Landscaping Plan / Site Coverage Plan (Lot 2292 A & 2292B)	MH1461 (Sheet 18 of 18) (Issue A)	Meridian Homes	26.05.14
Proposed Subdivision Plan (Lot 2292A & 2292B)	MH1461 (Issue A)	Meridian Homes	26.05.14
Colour Schedule (Lot 2292 A & 2292 B)	MH1456 (Sheet 2 of 5) (Issue A)	Meridian Homes	02.05.14
Waste Management Plan (Lot 2292A & 2292 B)	-	-	-
BASIX Certificate (Dwelling Lot 2292A)	545331S	-	28 May 2014
BASIX Certificate (Dwelling Lot 2292B)	545343S	-	28 May 2014

and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

3 [A009 - Residential Works DCP \(no specific section\)](#)

All construction works shall be in accordance with Penrith Development Control Plan-Residential Construction Works.

4 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

5 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.

6 [A Special \(BLANK\)](#)

The development is approved having regard to the bushfire safety authority issued by the NSW Rural Fire Service, Reference DA14/0566, DA14/1658, and DA14062092566CC, dated 7 July 2014.

Heritage/Archaeological relics

7 [C003 - Uncovering relics](#)

If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

8 [D001 - Implement approved sediment& erosion control measures](#)

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

9 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

10 **D007 - Cut and fill of land requiring Validation Certificate –limited to footprint**

Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

11 **D009 - Covering of waste storage area**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

12 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

BCA Issues

13 E001 - BCA compliance

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

14 E005 - Smoke detectors-interconnect

The smoke alarms shall be interconnected so that the sounding of the alarm in one detector activates the alarm in all detectors.

Health Matters and OSSM installations

15 F006 - Water tank & nuisance

The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

Utility Services

16 G001 - Installation of services and Service Clearances (subdivision)

Prior to issue of Subdivision Certificate, the following service authority clearances, stating that services are available to each lot, shall be obtained and submitted to Penrith City Council:

- Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water.
- Notification of Arrangement Certificate from Endeavour Energy; and
- Provisioning Certificate from the telecommunication service provider.

Construction

17 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

18 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

19 H009 - Cut / fill details

Details of all excavations for the proposed building works, indicating the maximum cut and fill levels shall be provided for consideration and approval prior to the issue of a Construction Certificate. Cut and fill is limited to a maximum of 1 metre, in accordance with Penrith Residential Construction Works Development Control Plan.

20 H014 - Slabs/ footings

Residential slabs and footings shall be designed and certified by a qualified practising Structural Engineer or a suitably qualified person in accordance with the requirements of AS2870-1996 "Residential Slabs and Footings".

Details are to be provided for consideration and approval prior to the issue of a Construction Certificate.

21 H015 - Termites

Details of the proposed termite management system shall be submitted for consideration and approval prior to the issue of a Construction Certificate. Council recommends that consideration be given to protection against subterranean termites in situations where termite resistant construction is used.

22 H022 - Survey

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

23 H024 - Glass installations AS1288

Glass installations within the building shall comply with AS 1288 and the Building Code of Australia. On completion of the glass installation, a report shall be submitted certifying compliance with AS 1288.

24 **H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)**

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

25 **H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)**

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

26 **H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)**

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

27 **H039 - Rainwater tank pumps (Also impose H036, H037 & H038)**

The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

28 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance with approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

29 [H18F - Timber framework](#)

All timber frame work shall comply with AS1684-1999 "Residential Timber-Framed Construction."

Engineering

30 [K202 - Section 138 Roads Act – Minor Works in the public road](#)

Prior to the issue of a Construction Certificate, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

Note:

1. Approvals may also be required from the Roads and Maritime Service for classified roads.

31 [K208 - Stormwater Discharge \(Minor Development\)](#)

Stormwater drainage from the site shall be discharged to the:

- a) Street drainage system

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

32 [K501- Penrith City Council clearance – Roads Act/ Local Government Act](#)

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

Landscaping

33 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plan and Penrith Council's Development Control Plan 2006.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

34 L002 - Landscape construction

The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register assuitable to construct category 2 landscape works.

35 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Development Control Plan 2006.

36 L006 - Aust Standard

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

37 L008 - Tree Preservation Order

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Subdivision

38 M003 - Statutory boundary clearances

The proposed subdivision shall not encroach on any statutory boundary clearances or setbacks. A plan prepared by a registered surveyor showing the relative position of all buildings to the proposed boundaries shall be submitted to the Principal Certifying Authority.

39 M008 - Linen Plan

Prior to issue of a Subdivision Certificate, the original subdivision plan and ten (10) copies shall be submitted to Principal Certifying Authority.

All necessary easements, restrictions and covenants shall be included on the subdivision plan and accompanying 88B instrument.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

40 M013 - Street trees

Prior to the issue of the occupation certificate, street trees are to be planted at a rate of 1 per 15m of lot frontage in accordance with Penrith City Council's Engineering Works Development Control Plan, the Guidelines for Engineering Works for Specifications Part 1 – Design and Part 2 – Construction and Penrith City Council's Development Control Plan 2006.

The street tree is to be a minimum 100 litre pot size, consistent with the predominant tree species in the street, and appropriately placed to avoid impact to existing services and infrastructure.

41 M014 - Surveyors certificate

A Surveyors Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

Payment of Fees

42 **P002 - Fees associated with Council land (Applies to all works & add K019)**

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond is based upon the estimated value of the works with a bond of **\$2,370** payable for the subject development.

The bond is refundable once a final inspection has been carried out by Council's Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on 4732 7777 or visit website to obtain the form and request for final inspection.

Certification

43 **Q008 - Subdivision Certificate**

A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

44 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Appendix - Development Control Plan Compliance

Western Precinct

The site is located within the western precinct of Jordan Springs. Accordingly, the Jordan Springs Guidelines are applied.

Section 96 Consent

Council granted consent for DA11/0517.07 to modify the original subdivision. The subject site was part of this modification and included subdivision into two allotment and indicative building envelopes were shown on the plan. The proposed lot size is consistent with the lot sizes approved by the modification and the building envelopes generally reflect the dwelling design. There is a concern that the developer is changing the lot yield and mix. This is acknowledged, however was addressed in the modification application and considered acceptable by way of issuing of consent. As there is no further change to yield proposed as part of this application, the subdivision is acceptable.

Compliance

The table below details compliance.

CONTROL	REQUIREMENT	PROPOSED 2292A	PROPOSED 2292B	COMPLIES
Site area	270-500m ²	282.90m ²	294.10m ²	Yes
Frontage	9-20m	9.43m	9.68m	Yes
Depth	25-30m	30m	30m	Yes
Front Setback	4.5m	4.502m	4.05m	Yes
Garage Setback	5.5m	5.5m	5.5m	Yes
Articulation Setback	3.5m	3.5m	3.5m	Yes
Side Setback	Zero / 0.9m	0.930m	1.2m	Yes
Rear Setback	3m	5.6m	5.6m	Yes
Private Open Space	15% (42.75m ²)	18.5% (52.36m ²)	18.7% (55.25m ²)	Yes
Height	1-2 storey	1 storey	1 storey	Yes
Parking	1-2 spaces	1	1	Yes

A BASIX Certificate accompanied the application.

The area of private open space for each dwelling is highly usable with a portion adjoining the dwelling covered for use as an outdoor dining area.